

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 United States of America,
5 Plaintiff
6 v.
7 Joshua Sadat Washington, et al.,
8 Defendants
9

Case No.: 2:16-cr-00279-JAD-PAL

**Amended¹ Order Granting Motion
to Continue Sentencing Hearing and
Denying Other Relief**

[ECF Nos. 227, 236, 238, 239]

10 Defendant Joshua Sadat Washington was convicted of interference with commerce by
11 robbery, brandishing a firearm in furtherance of a crime of violence, and transportation of stolen
12 property after the jury in his March 2018 trial returned a guilty verdict on all counts.² Sentencing
13 is scheduled for June 11, 2018. Washington moves to continue that sentencing hearing for two
14 months to permit him time to obtain mitigating evidence and to file objections to his presentence
15 investigation report.³ The government does not object.⁴ Accordingly, the court finds good cause
16 to grant the two-month continuance.

17 Washington has also requested expedited copies of his trial transcripts “to assist with
18 preparation for post-verdict motions and appellate motions.”⁵ However, he has not shown that
19 he requires such transcripts to prepare his post-trial motions or needs them immediately for his
20 eventual appeal. He, in fact, filed a motion for judgment notwithstanding the verdict and an
21 extensive supplement to that motion without the transcripts and has not demonstrated that the
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23 ¹ **This order replaces ECF No. 241.**

24 ² ECF No. 225.

25 ³ ECF No. 238.

26 ⁴ ECF No. 240.

27 ⁵ ECF No. 227.

1 transcripts are now necessary at all.⁶ So, I deny Washington's Motion Requesting Trial
2 Transcripts (Expedited Request).

3 Washington has also filed an Ex Parte Emergency Motion for an order allowing him to
4 consult with an expert prior to sentencing.⁷ Washington has not identified any such expert,
5 described the work to be performed, or identified the cost associated with this effort, and he does
6 not need court approval to consult with an expert that he pays for. He also does not specifically
7 request funds for this purpose. Although the court assumes that Washington is really asking for
8 court funds to permit him to hire such an expert (and, for that, he would need court approval), his
9 request is simply not developed enough for the court to determine what, exactly, Washington is
10 asking for and whether the court should grant that request. Accordingly, Washington's ex parte
11 emergency motion for an order approving expert evidence is DENIED without prejudice to
12 Washington's ability to seek funds for this purpose through the CJA process (likely with the
13 assistance of standby counsel).

14 Finally, Washington has filed a separate motion asking the court to grant various of his
15 motions because nobody has opposed them. Not all motions in criminal cases require parties to
16 respond. This is particularly true when opposing parties would not have an interest in the subject
17 matter of a motion (like with Washington's request for expedited trial transcripts⁸), or when the
18 party who is the subject of a motion was never served with that motion (as appears to be the case
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22 ⁶ ECF Nos. 228, 230. I find this reason alone sufficient to deny the transcript request. My
23 original order added as a second independent basis for denial that "appellate counsel has already
24 requested the trial transcripts from the court reporter for the purpose of appeal." This was an
25 error as appellate counsel has not yet been appointed and the transcripts have not been ordered.
The court anticipates that appellate counsel will be appointed after sentencing (assuming of
course that the post-trial motion is denied), and appellate counsel will order any transcripts
necessary for preparing the appeal.

26 ⁷ ECF No. 239.

27 ⁸ See ECF No. 227.
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1 with Washington's request to hold Corporation Trust Company of Nevada in contempt⁹).
2 Accordingly, I do not find that Washington's pending motions are the type that the court can
3 grant merely because nobody opposed them, so I deny his motion to grant these pending motions
4 simply because no opposition was filed.

5 Accordingly, IT IS HEREBY ORDERED that Washington's Motion to Continue
6 Sentencing Hearing [ECF No. 238] is **GRANTED**. **The June 11, 2018, sentencing hearing is**
7 **VACATED and continued to August 13, 2018, at 2:30 p.m.;**

8 IT IS FURTHER ORDERED that Washington's Motion Requesting Trial Transcripts and
9 Motion to Grant Doc # 227, 231 due to Failure of Valid Respond [sic] by Court Ordered
10 Response Dates [ECF Nos. 227, 236] are **DENIED**; and

11 Finally, IT IS FURTHER ORDERED that Washington's Ex Parte Emergency Motion
12 Requesting an Order Approving Expert Evidence [ECF No. 239] is **DENIED** without prejudice.

13 Dated: June 12, 2018

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U.S. District Judge Jennifer A. Dorsey

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28 ⁹ See ECF No. 231 (the certificate of service lists the Clerk of Court as the only recipient).